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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,472	08/27/2003	Michihiro Kubo	IS-US020505	4721

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EXAMINER

WEEKS, GLORIA R

ART UNIT PAPER NUMBER

3721

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SA

**Office Action Summary**

Application No.

10/648,472

Applicant(s)

KUBO ET AL.

Examiner

Gloria R Weeks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.  
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☒ Claim(s) 12 and 13 is/are allowed.  
 6) ☒ Claim(s) 1-6, 8-11, 14 and 15 is/are rejected.  
 7) ☒ Claim(s) 7 is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 2/03/05.  
 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) ☐ Notice of Informal Patent Application (PTO-152)  
 6) ☐ Other: \_\_\_\_\_.

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 27, 2005 has been entered.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on February 3, 2005 was filed after the mailing date of the Final Office Action on December 28, 2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner. References US 3,864,895 and US 5,433,060 are marked as being previously considered and noted on the IDS submitted on August 10, 2004.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 8-11, 14 and 15 are rejected under 35 U.S.C. 103(a) as being obvious over Petrea (USPN 3,864,895) in view of Howard et al. (USPN 6,138,442).

In reference to claims 1-4 and 14, Petrea discloses a bag manufacturing and packaging apparatus, comprising: a control unit (column 2 lines 57-62); a bag manufacturing unit (2)

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including a transverse sealing mechanism (10) that seals vertical ends of bags (12), the transverse sealing mechanism (10) having a pair of sealing members that are respectively positioned on a front side and a rear side of a tubular film (4), the pair of sealing members applying heat and pressure to seal the ends, the pair of sealers (10) releasing the end of a bag (12) at a fixed release position; a mounting unit having a transfer mechanism (22) that transfers bags (12) manufactured by the bag manufacturing unit (2) diagonally downward (when placing bag on strip; figure 3), such that the bags (12) do not interfere with the transverse sealing mechanism (10) while being transferred; and a fixing mechanism (34) that affixes bags to a strip (36) after the transfer mechanism (22) transfers the bags (12); a strip roll (46) that reels out the strip (36); a strip transport unit (48, 50, 62); and a tension control mechanism (64, 58) for maintaining the tension of the strip (36) transported by said strip transport unit (48, 50, 62).

Petrea does not disclose the use of revolving transverse sealing members. Howard et al. teaches that it is known to use revolving transverse sealing members (20, 21) having annular trajectories (10, 11) to seal the ends of a tubular film (T). It would have been obvious to one having ordinary skill in the art at the time of the invention to substitute the revolving transverse sealing members of Howard et al. in place of the linear transverse sealing members if Petrea since Howard et al. states at column 4 lines 5-65 that such a modification would require minimum power input, in addition to providing continuous movement of the tubular film.

In reference to claims 8-11 and 15, Petrea discloses a bag manufacturing and packaging apparatus, comprising: a control unit (column 2 lines 57-62); a bag manufacturing unit (2); a mounting unit having a transfer mechanism (22) that transfers a holding mechanism (32) for holding manufactured bags (12), the holding mechanism (32) having a holding position (after

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discharge of bag 12) and a release position (point where bag is transferred to fixing mechanism); and a fixing mechanism (34) that affixes bags to a strip (36) after the transfer mechanism (22) transfers the bags (12) to a fixing position; the manufacturing unit including a transverse sealing mechanism (10) that seals vertical ends of bags (12, the transverse sealing mechanism (10) having a pair of sealing members, positioned on the front side and rear side of a tubular film (4), that grasps both of the ends of a bag (12) and applies heat and pressure while moving downward to seal the ends (column 2, lines 13-19).

Petrea does not disclose the use of revolving transverse sealing members. Howard et al. teaches that it is known to use revolving transverse sealing members (20, 21) having annular trajectories (10, 11) to seal the ends of a tubular film (T). It would have been obvious to one having ordinary skill in the art at the time of the invention to substitute the revolving transverse sealing members of Howard et al. in place of the linear transverse sealing members if Petrea since Howard et al. states at column 4 lines 5-65 that such a modification would require minimum power input, in addition to providing continuous movement of the tubular film.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petrea (USPN 3,864,895) in view of Howard et al. (USPN 6,138,442) as applied to claim 3 above, and further in view of Belt (USPN 6,726,794).

Regarding claim 5, Petrea discloses a bag manufacturing apparatus comprising a mounting unit having a transfer mechanism (22); a fixing mechanism (34); and a strip transport unit (48, 50, 62). Petrea does not disclose the strip transport unit (48, 52, 64) transporting a plurality of strips to the fixing mechanism (34). Belt teaches a bag manufacturing apparatus comprising a mounting unit having a transfer mechanism (248); a fixing mechanism (80); and

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strip transport unit (34, 36, 64, 84) which transports a plurality of strips (30, 60) to the fixing mechanism (80) whereby the fixing mechanism (80) attaches a bag (12) to at least one of the plurality of strips (30). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the mounting unit of Petrea to include the strip transport unit of Belt for the purpose of providing a first strip for securing the bag to a second strip.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petrea (USPN 3,864,895) in view of Howard et al. (USPN 6,138,442) as applied to claim 3 above, and further in view of Seragnoli (USPN 4,41,127).

Regarding claim 6, Petrea discloses an apparatus having a strip roll (46), but does not disclose a means for signaling depletion of the strip material from the reel supply. Seragnoli teaches an apparatus having a strip roll (4) with a sensor (column 3, lines 52-57) for detecting the amount or strip material remaining on the strip. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the strip roll of Petrea to have the sensor of Seragnoli to detect the amount of strip material remaining on the strip roll for the purpose of preventing undesired down time in the production of the apparatus (Seragnoli-column 1, lines 11-18).

***Allowable Subject Matter***

7. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 12 and 13 are allowed.

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***Response to Arguments***

9. Applicant's arguments with respect to claims 1-6, 8-11, 14 and 15 have been considered but are moot in view of the new ground(s) of rejection.


***Conclusion***

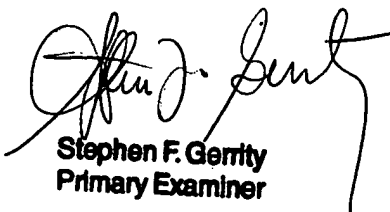
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria R Weeks whose telephone number is (571) 272-4473. The examiner can normally be reached on 8:30 am - 7:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gloria R Weeks  
Examiner  
Art Unit 3721

  
grw  
May 11, 2005

  
Stephen F. Gerrity  
Primary Examiner